

United States Courts  
Southern District of Texas  
ENTERED

DEC 20 2005

Michael N. Milby, Clerk of Court

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**GUY BRIAN SWEENEY**

**CRIMINAL NO. H-05-440  
(Judge David Hittner)**

**ORDER**

Pending before the Court is Sweeney's Unopposed Motion for Continuance.

Sweeney recites that there has been inadequate time to sufficiently prepare for trial. Denial of the reasonable time necessary for effective preparation is expressly enunciated in 18 U.S.C. §3161(h)(8)(B)(iv) as a factor in determining that a continuance outweighs the public's interest in a speedy trial.

The Court finds – under 18 U.S.C. §3161(h)(8)(B) – that failing to grant a continuance would deny Sweeney's counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would thereby result in a miscarriage of justice.

It is therefore Ordered that Sweeney's Unopposed Motion for Continuance is granted. In accordance with 18 U.S.C. §3161(h)(8)(A), the basis for the continuance is the finding that the ends of justice served by granting this continuance outweigh the best

interests of the public and Sweeney in a speedy trial.

A period of excludable delay shall commence from today, Decemer 19, 2005, under 18 U.S.C. §3161(h)(8)(A) and (B), and will end when trial starts.

The following Docket Control Order is entered:

Sweeney's Motions will be filed by: February 15, 2006.

The Government's Responses will be filed by: March 7, 2006.

Proposed Jury Questions and Jury Charge will be filed by: March 21, 2006.

Pretrial Conference is set for March 21, 2006, at 9:30 a .m.  
**(The Defendant must be present)**

Jury selection and trial are set for March 28, 2006, at 10:00 a .m.

Signed and entered on 19, 2005, in Houston, Texas.

  
UNITED STATES DISTRICT JUDGE